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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,756	11/10/2003	Gregory D. Fee	MS1-1809US	4286
22801	7590	08/28/2007		
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			EXAMINER BAYOU, YONAS A	
			ART UNIT	PAPER NUMBER
			2134	
			MAIL DATE	DELIVERY MODE
			08/28/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/705,756

Applicant(s)

FEE ET AL.

Examiner

Yonas Bayou

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>04/09/2004 and 11/10/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Referring to claims 3, 12, 19, 28, 34 and 40, the original application (parent case) has not "XrML license" support. The examiner considers Nov. 10, 2003 as an effective filing date for claims 3, 12, 19, 28, 34 and 40 for examination purpose.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 6 and 33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 6 and 33 are directed to non-statutory subject matter.

This claimed subject matter lacks a practical application of a judicial exception (law of nature, abstract idea, naturally occurring phenomenon) since it fails to produce a useful, concrete and tangible result.

Specifically, the claimed subject matter does not produce (c)a tangible result because the claimed subject matter fails to produce a result that is limited to having real world value rather than a result that may be interpreted to be abstract in nature as, for example, a thought, a computation, or manipulated data. More specifically, the claimed

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subject matter provides generating a permission grant if application evidence satisfies at least one trust condition. This produced result remains in the abstract and, thus, fails to achieve the required status of having real world value.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 4-11, 13-18, 20-27, 29-33, 35-39, 41-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Gong, US Patent No. 6,044,467 (hereinafter Gong).

Referring to claims 1, 2, 6, 7, 17, 22-23, 33 and 44, Gong teaches a computer program product, a system, a computer-readable medium and a method comprising:

receiving a manifest defining a plurality of code assemblies that are members of at least one application [column 6, lines 31-36, object class is corresponding to a manifest];

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evaluating application evidence for the at least one application **[column 6, lines 39-43]**, class is corresponding to application evidence (column 3, lines 27-29)); and generating a permission grant set for each code assembly that is a member of the at least one application if the application evidence satisfies at least one condition for trusting the at least one application **[column 6, lines 45-50]**.

Referring to claims 4, 5, 15, 16, 20, 21, 31, 32 and 35, Gong teaches a computer program product, a system, a computer-readable medium and a method further comprising evaluating application evidence at an application level/group level and a code assembly level before trusting the at least one application **[column 11, lines 12-16]**, sources are corresponding to code assembly level].

Referring to claims 8, 24, 37 Gong teaches a computer program product, a system, a computer-readable medium and a method further comprising determining if the code assembly is a member of the at least one application **[column 7, lines 20-25]**.

Referring to claims 9 and 25, Gong teaches a computer program product, a system, a computer-readable medium and a method further comprising receiving a manifest defining members of the at least one application **[column 6, lines 31-36]**.

Referring to claims 10, 26 and 38, Gong teaches a computer program product, a system, a computer-readable medium and a method, wherein satisfying at least one

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trust condition is based at least in part on evidence provided with the at least one application **[column 6, lines 35-43]**.

Referring to claims 11, 27 and 39, Gong teaches a computer program product, a system, a computer-readable medium and a method, wherein satisfying at least one trust condition is based at least in part on evidence external to the at least one application **[column 10, lines 5-11]**.

Referring to claims 13, 29 and 41, Gong teaches a computer program product, a system, a computer-readable medium and a method, wherein satisfying at least one trust condition is based on evidence from user interaction **[column 10, lines 31-39]**.

Referring to claims 14, 30 and 42, Gong teaches a computer program product, a system, a computer-readable medium and a method, wherein satisfying at least one trust condition is based on evidence from evaluation of previous trust decisions **[column 3, lines 16-21]**.

Referring to claims 36 and 43, Gong teaches a computer program product, a system, a computer-readable medium and a method further comprising a security policy specification defining the condition **[column 11, line 58 – column 12, line 5-11 and fig. 2B]**.

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Referring to claim 45, Gong teaches a computer program product, a system, a computer-readable medium and a method, wherein the first data field defines a group of applications **[column 7, lines 53-58]**.

Referring to claims 46 and 47, Gong teaches a computer program product, a system, a computer-readable medium and a method further comprising a third data field identifying a location of one of the members of the at least one application **[column 6, lines 52-61]**.

Referring to claim 48, Gong teaches a computer program product, a system, a computer-readable medium and a method further comprising a third data field requesting different levels of trust for different members of the at least one application **[column 19, lines 1-7]**.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 12, 19, 28, 34 and 40 are rejected under 35 U.S.C. 103(a) as being obvious over Gong Patent No. 6,044,467 in view of Lao et al. Pub. No. US 2003/0220880 A1.

Referring to claims 3, 12, 19, 28, 34 and 40, Gong teaches a method of receiving a manifest defining a plurality of code assemblies that are members of at least one application **[column 6, lines 31-36]** and evaluating application evidence for the at least one application **[column 6, lines 39-43]** (see claim 1 above). Gong further teaches generating a permission grant set for each code assembly **[column 6, lines 45-50]**. Gong does not appear to explicitly teach a method wherein evaluating application evidence is based at least in part on an XrML license. However, Lao teaches a method such that access is granted based on a license, such as an XrML license, and the like, can be presented **[paragraph 0166]**. Gong and Lao are analogous art because both teach application security.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the method of Gong to include a method such that access is granted based on a license, such as an XrML license of Lao because XrML license controls and specifies a manner of use of consumption of a distributed network service.



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**Conclusion**

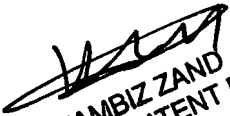
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yonas Bayou whose telephone number is 571-272-7610. The examiner can normally be reached on m-f, 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 571-272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Yonas Bayou

YB

  
KAMBIZ ZAND  
SUPERVISORY PATENT EXAMINER